REMARKS

In the Office Action, the Examiner indicated that claims 1 through 33 are pending in the application. However, Applicant believes only claims 1-6, 8-11 and 13-33 are pending in the application. The Examiner rejected all claims.

Claim Rejections

In item 2 of the Office Action, the Examiner rejected claims 11, 13, 16-18, 20, 21, 29-31 and 33 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2001/0033554 to Ayyagari et al. in view of U.S. Patent No. 6,173,040 to Wang ("Wang").

In item 4 on pages 5 to 9 of the Office Action, the Examiner rejected claims 1-6, 8-10, 19, 22-27, 28 and 32 under 35 U.S.C. §103(a) as being unpatentable over Ayyagari et al. in view of Wang, and further in view of U.S. Patent No. 5,815,682 to Williams et al.

The Present Invention

The present invention provides a method and system for providing an accurate service record from one communication device to another communication device. More particularly, the present invention is a method and system by which a determination is made as to whether or not a second communication device has a modem present __and__ whether or not a proper phone line connection exists in the second device (e.g., so that the modem can be utilized). The second communication device generates a service record identifying modem-based services that it can offer __based on whether or not a modem having access to a telephone line is present__, i.e., the

service will be identified in the service record <u>only</u> if the proper connection to the telephone line is available.

The communication devices which can use this technology include laptops, desktops, hand-helds, PDAs, mobile phones, two-way pagers, etc. (specification, page 1, lines 11-13). Thus, for example, a first communication device comprising a PDA can retrieve the service record from a second communication device, e.g., a desktop computer. Since the desktop computer (in this example) produces its service record based upon first determining whether or not a modem is present <u>and</u> whether or not a proper phone line connection exists to utilize that modem, the service record provided to the PDA will inform a user of the PDA if modem-based services are available, and likewise, will exclude modem-based services from the service record if no modem and proper phone line connection exists.

U.S. Patent Publication No. 2001/0033554 to Ayyagari et al.

U.S. Patent Publication No. 2001/0033554 to Ayyagari et al. teaches a proxy-bridge device comprising a bridge for sending packets to and from (between) an external device and a device in a piconet. The protocol stack of the proxy-bridge device allows an application to communicate with a remote device, e.g., via the Internet protocol. Thus, the proxy-bridge device, using two protocols, enables remote users to discover the presence of a service offered by a device in a piconet as a logical embedded device within the proxy-bridge device and vice-versa.

U.S. Patent No. 6,173,040 to Wang

U.S. Patent No. 6,173,040 to Wang ("Wang") teaches a telephone line state detecting device. The invention of Wang provides a telephone line state detecting device that includes a hardware detecting circuit provided in a telephone line connected to a modem. The hardware detecting circuit is connected to a processing unit. In use, the hardware detecting circuit detects pulses generated by voltages flowing through the telephone line, which are processed by the processing unit to determine whether the line is interrupted or electro-contact thereof is poor, or whether the telecommunication equipment used in conjunction therewith is busy or not in use.

U.S. Patent No. 5,815,682 to Williams et al.

U.S. Patent No. 5,815,682 to Williams et al. ("Williams") teaches a device-independent modem interface employing a call control and data transfer application programming interface which allows application programs to access a modem in a device-independent fashion. The Examiner relies upon Williams et al. for an asserted disclosure of a step/means of determining whether particular modems for particular applications are present in the communication system.

The Examiner has not Established a *prima facie* Case of Obviousness

As set forth in the MPEP:

> To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skilled in the art, to modify the reference or to combine reference teachings.
> MPEP 2143

The Examiner has not met the burden required for an analysis under 35 U.S.C. §103. As

noted above, the present claimed invention is utilized in an environment in which there are at least

two disparate communication devices (e.g., a PDA and a desktop computer; two laptops; etc.),

where a first of the devices wishes to utilize services, e.g., modem services, provided by the

second device, such as a PDA utilizing a personal computer to access the Internet. Claim 1 states:

> "first determining whether a modem is present in the second communication
> device;
> second determining whether a proper phone line connection exists in the
> second communication device; and
> generating, by the second communication device, a service record
> identifying modem-based services that can be offered by the second communication
> device to the first communication device, based on the results of the first and
> second determining steps"

Each additional independent claim (claims 11, 16, 22, 29) states these limitations as well.

To avoid the time-wasting process of having the first device communicate with the second

device, identify that the second device has a modem installed, and then find that the installed

modem does not have a proper telephone line connection, the present invention has the second

device make a determination that a proper phone line connection exists <u>before it represents to

other communication devices that it has modem services available</u>. As seen in the quoted text

from Claim 1, tests are done to insure a functioning modem is properly connected to a phone line

before any generation of a listing of available services is performed. If a proper phone line

connection, that is, one that is properly connected to a functioning telephone line, does not exist,

then the modem in the second device will not even be shown to a user of the first device as being

available; from the perspective of the first device, it will look as though no modem exists in the second device.

Ayyagari et al. contains no such teachings or suggestion. <u>Nowhere</u> in Ayyagari is there any teaching or suggestion of the selective "advertising" of modem services by a second communication device to a first communication device only <u>after</u> determining that such modem services, via a properly functioning telephone line, are available. Ayyagari merely describes a typical multiple-device communication system, such as a BlueTooth system, which applicant acknowledges is well known. In the system of Ayyagari, best illustrated in Figure 8, the system begins with a device polling another device to discover the offered services (step 800). If the computer receiving a polling request for a selected offered service has the hardware or software capability to perform the requested action, the device accepts a request for service from the requesting device (step 810). Only then does the device receiving the request test its own resources and capabilities currently available to determine whether the device can perform the requested service. If it does not support the requested service, a denial of availability is sent to the requester.

The present claimed invention, however, makes it impossible for this situation to occur. Using the present invention, a requesting device <u>cannot even request a service that is not available</u> since the tests for compatibility are performed <u>before</u> a hosting device advertises its services, i.e. services that are ordinarily available for requesting but which are currently unavailable will not even be advertised to the requesting device.

The addition of Wang provides no such teaching or suggestion. Wang teaches a standard computer processing system, whereby a hardware detection circuit 10 is used to detect the presence of a functioning telephone line for use by modem 100. Applicant acknowledges the existence of telephone line detection circuits, and does not claim a telephone line detection circuit as its invention. Rather, applicant claims, in a communication system involving at least two discrete communication devices, a system whereby a device having modem services potentially available does not "advertise" their availability unless the modem contained in this device is connectable to a functioning telephone line. Wang provides no teaching of testing a modem for a phone line connection prior to advertising services to a requesting device, nor does Wang provide any motivation for combining a circuit that detects a functioning phone line with the system of Ayyagari to result in a system where a computer tests its modem and phone line connection before responding to a request for services.

Neither Ayyagari nor Wang teach or suggest a system whereby a device having modem services potentially available does not "advertise" their availability unless the modem contained in this device is connectable to a functioning telephone line. The fact that Wang may or may not teach whether a proper phone line connection with a modem exists is immaterial. Essentially all devices that work with a modem at some point must determine whether or not a modem is connected to a phone line. However, neither of these cited patents teach or suggest that prior to issuing a service record identifying modem-based services, determining whether a proper phone line connection exists, so that if no such connection exists, the modem-based service is excluded from the service record.

Likewise, the addition of Williams does not teach or suggest the claimed invention. Williams is concerned with determining the existence of modem devices coupled to a computer system. More specifically, an enumerator 92 is used at start up to detect newly installed devices. See, for example, column 8, line 22 through column 10, line 24. Nowhere in Williams is there a discussion of having a second device make a determination that a proper phone line connection exists before it represents to other communication devices that it has modem services available.

At best, the combination of references suggested by the Examiner would result in a system whereby a user of a first device would receive a service record of the second device indicating that the second device contained one or more services, e.g., modem services, <u>whether or not those services could actually be used</u>. The present invention, on the other hand, will only show as available services that can actually be utilized by the first device. This is a significant advantage to the prior art and is not taught or suggested by any of the cited references, either alone or in combination. Accordingly, all of the claims patentably define over the proposed combination of Ayyagari and Wang and/or Williams. As each independent claim contains a limitation stating that the service record identifying the services provided is only generated <u>after</u> system determines whether a modem is installed and properly connected to a phone line, the present claimed invention patentably defines over Ayyagari, Wang and Williams, alone or in any combination. The Examiner is respectfully requested to reconsider and withdraw the rejection of the claims based on these references.
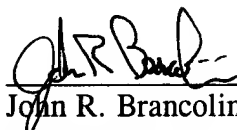
Conclusion

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 19-5425.

Respectfully submitted

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Date

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John R. Brancolini
Registration No. 57,218

SYNNESTVEDT & LECHNER LLP
2600 ARAMARK Tower
1101 Market Street
Philadelphia, PA 19107

Telephone: (215) 923-4466
Facsimile: (215) 923-2189

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